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HONORABLE THOMAS S. ZILLY

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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10   HUNTERS CAPITAL, LLC, et al.,

Case No. 20-cv-00983

Plaintiffs,

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DECLARATION OF KENNETH NEAFCY

v.

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13   CITY OF SEATTLE,

Defendant.

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15   I, Kenneth Neafcy, declare as follows:

16   1.   I am the Operations Coordinator for the City's Office of Emergency Management

17   (OEM). I am over age 18, competent to be a witness, and making this declaration based on facts

18   within my own personal knowledge.

19   2.   From March 2020 until October 26, 2020, I used a City-issued iPhone XS. On

20   October 26, 2020, I received an alert on the phone prompting me to reset my lock screen passcode.

21   I did so. To the best of my recollection, after resetting my passcode on October 26 as directed, I

22   tried to access my phone using the new passcode, but my phone did not accept the code that I

23   thought I had just set.

24   3.   When I still could not access my phone the following day, October 27, 2020, I

25   emailed an administrative employee within OEM and explained that I could not access my phone.

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(Case No. 20-cv-00983)

1 She suggested I reach out to Chris Steel, a mobile phone coordinator at Seattle Police Department,

2 or Susy DeMers, a member of the City's IT Department, and I forwarded my issue to Chris Steel.

3 Mr. Steel responded that had he reached out to both Seattle IT and AT&T regarding the lockout

4 issue. The following day, I saw that my phone had been reset remotely. I e-mailed Mr. Steel to

5 inform him of the remote reset and asked how I would be able to get it set up again. A true and

6 correct copy of my October 28, 2020 email is attached as Exhibit 1. In the process of trying to

7 recall what occurred in October 2020 for purposes of this declaration, I again reviewed my emails

8 from October 26-28, 2020, and discovered the email thread that is attached hereto as Exhibit 1. To

9 the best of my knowledge, I believe I thought this email string was the same as the email string

10 attached here as Exhibit 2, which I previously provided and which I understand was already

11 produced in discovery in this case. The produced email string has a subject line titled "Fw:

12 HELP!" and the email string attached hereto has a subject line titled "Fw: Help!!" I believe I did

13 not initially realize that they were two separate threads.

14   4.   At 12:51 pm on October 28, 2020, I reached out to Mr. Steel, Ms. DeMers, and

15 cc'ed Laurel Nelson, the Acting Director of OEM at that time, again asking what could be done to

16 get my iPhone XS operational again after the earlier reset. I was handling time-sensitive issues at

17 the time and needed the work phone to be operational as quickly as possible. IT advised that I

18 could remove the mobile phone SIM card from my reset iPhone XS and insert it into my City-

19 issued iPhone 6s, which had been my primary work phone prior to receiving the iPhone XS, and

20 which I still had in my possession. A true and correct copy of an email chain dated October 28,

21 2020 detailing this sequence of events is attached as Exhibit 2 (SEA_00144313).

22   5.   I followed this advice and began using my City-issued iPhone 6s on October 28,

23 2020.

24   6.   I do not believe that I ever texted one-on-one with Fire Chief Scoggins, Police

25 Chief Best, or Mayor Durkan about CHOP.

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1   7.   I do not believe that I ever texted one-on-one with Idris Beauregard, Chris Fisher, or

2 Eric Greening about CHOP.

3   8.   It was never my intent when getting locked out of my phone, or when asking IT to

4 help me get back into my phone, to lose any text messages that might be relevant to this lawsuit.

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6   I declare under the penalty of perjury under the laws of the United States that the foregoing

7 is true and correct.

8   DATED this 27th day of October, 2022, at Seattle, Washington.

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KENNETH NEAFCY

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